

The court incorporates by reference in this paragraph and adopts as the findings and orders of this court the document set forth below. This document has been entered electronically in the record of the United States Bankruptcy Court for the Northern District of Ohio.



Dated: March 28 2013

A blue ink signature of Mary Ann Whipple, written in a cursive style.

Mary Ann Whipple
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

In Re:)	Case No.: 11-36312
)	
William Edsel Robinson and)	Chapter 7
Monica Marie Robinson,)	
)	Adv. Pro. No. 12-3017
Debtors.)	
)	Hon. Mary Ann Whipple
Lawrence Robinson,)	
)	
Plaintiff,)	
v.)	
)	
William Edsel Robinson,)	
)	
Defendant.)	

ORDER DENYING MOTION FOR CONTEMPT

This adversary proceeding is before the court on Plaintiff's Motion for Contempt [Doc. # 29] filed on March 26, 2013. On October 1, 2012, the court entered a money judgment in favor of Plaintiff and against Defendant in this proceeding in the amount of \$33,000, plus interest and costs, and declared said judgment amount to be non-dischargeable. Plaintiff seeks an order requiring Defendant to show cause as to why he should not be found in contempt of court for failing to pay the money judgment and for refusing to transfer to Plaintiff the title to a 2002 Ford Escape. For the following reasons, the Motion for Contempt will be denied.

Although a party who refuses to perform a specific act required in a judgment may be held in contempt, *see* Fed. R. Bankr. P. 7070; Fed. R. Civ. P. 70(e), the judgment entered in this proceeding did not require, or even address, transfer of title to a Ford Escape, and did not order Defendant to pay Plaintiff \$33,000.00. The October 1, 2012, judgment was a routine nondischargeable money judgment only. The enforcement of a money judgment is governed by Rule 69 of the Federal Rules of Civil Procedure, made applicable in this proceeding by Federal Rule of Bankruptcy Procedure 7069. Rule 69 provides that “[a] money judgment is enforced by a writ of execution,” the procedure for which is governed by the procedure of the state where the court is located. The court will, therefore, deny Plaintiff’s Motion for Contempt as procedurally improper.

THEREFORE, for the foregoing reasons, good cause appearing,

IT IS ORDERED that Plaintiff’s Motion for Contempt [Doc. # 29] be, and hereby is, **DENIED**, **without prejudice**.

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